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IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
3310 El Camino Avenue, Suite 130
Sacramento, California 95821-6340

September 29, 1997

Mr. Lester A. Snow
Executive Director
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Subject: Policy Review of CALFED Common Programs

Dear Mr. Snow:

At the most recent CALFED Management Team meeting, you asked that each CALFED agency review the common programs to identify included actions or omissions that might represent policy issues that would prevent the agency from fully supporting the common programs ("fatal flaws"). The Fish and Wildlife Service (Service) has reviewed the existing material describing the common programs; before addressing the question of fatal flaws, however, we would like to put our review in its appropriate context.

We recognize that the common programs are a work in progress; that is, we expect that they will be significantly refined, clarified, improved, and detailed before they are a final product. This process is ongoing; for example, the Service and others are now preparing technical comments on all three volumes of the ERPP, which we believe will benefit future iterations of the documents and the implementation of the program. In the review for this letter, we have looked for problems so significant, that direct the common programs so far off what we see as the appropriate course, that they can not be adequately addressed in this process of review, revision, and refinement.

The Service's review of the common programs as they have been described to date has uncovered no policy issues so significant we would view them as fatal flaws as defined here. However, large parts of the common programs are not yet detailed; there are issues of significant concern to us that, depending on future decisions about clarification and refinement, may become the kinds of policy issues you asked us to identify here. These include, but are not necessarily limited to:

1. Integration of Delta Native Fishes Recovery Plan actions into the ERPP: CALFED staff have assured Service staff that CALFED's intent is to incorporate all appropriate actions and measures from the Service's Delta Native Fishes Recovery Plan into the ERPP. We

will continue to work with CALFED staff to ensure that the Recovery Plan actions are appropriately incorporated and recognized in the ERPP.

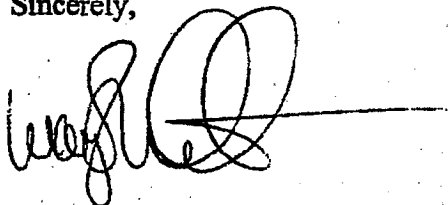
2. Recognition of Anadromous Fish Restoration Program (AFRP) goals, and integration of AFRP and related measures, into the ERPP: The Central Valley Project Improvement Act (CVPIA) established a goal for the Department of the Interior to double recent populations of certain anadromous fishes, and required the Department to take all reasonable measures necessary to achieve this goal. The discussion of goals for the ERPP should more explicitly recognize its overlap with the goals of the AFRP and the CVPIA; more importantly, the reasonable measures identified by the AFRP and other appropriate CVPIA actions should be incorporated into the ERPP. Again, your staff have assured us that this is CALFED's intent.
3. Coordination among the different common programs: Consider the example of how salinity and salinity patterns is treated in the ERPP and the Water Quality Program. Salinity is an important water quality parameter affecting aquatic ecological processes (e.g., productivity) and the distribution and abundance of key species and habitats in the Bay/Delta ecosystem. While salinity is identified as an environmental parameter of concern in the Water Quality Program, there is little discussion of the ecological impacts of altered salinity regimes. No action strategies to restore and/or maintain ecologically beneficial salinity patterns are proposed in the Water Quality Program. This may be the result of a belief that restoring and maintaining ecologically beneficial salinity patterns is best addressed in the ERPP, but salinity patterns are not explicitly identified as an ecosystem element in the ERPP. Both the Water Quality Program and the ERPP should explicitly recognize that restoring and maintaining good water quality is an essential part of any aquatic ecosystem restoration program, and issues like salinity (and environmental contaminants, nutrients, and turbidity) should be discussed in detail in both, and closely coordinated between, the Water Quality Program and the ERPP.
4. Implementation of the common programs under the various alternatives: It is increasingly clear that implementation of the common programs would vary to some degree if different alternatives are selected. The significance of such variations is difficult to evaluate, given the current level of detail available about both the common programs and the alternatives. As more information becomes available, CALFED should more fully incorporate the common programs into the alternatives.

In summary, we believe there are no existing policy issues so significant as to prevent the Service's support for the common programs. This conclusion, which is based on the level of available detail about and the stage of development of the common programs, may change as we review future iterations of the common programs that are better developed and include more detail. To minimize the likelihood of future problems, we recommend that CALFED build on this effort by providing for increased involvement by all agencies in the refinement of the common programs. For example, if any agency has identified a problem that is, from their perspective, a significant policy issue, we recommend that CALFED search for an

acceptable solution in one of the existing interagency coordination teams, such as the IDT or the PCT, rather than making an assignment to CALFED staff. A similar approach should be used to address issues like those raised in this letter.

Thank you for the opportunity to provide these comments. If you have any questions about this letter, please contact Mr. Patrick Leonard of my staff at 916-979-2725.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne S. White', with a long horizontal line extending to the right.

Wayne S. White
Field Supervisor